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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,060

Applicant(s)

COLVIN, DAVID S.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/5/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments with respect to claims 1-29 and 31-100 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-25,29,31,32,35-49,51-56,58-61, and 63-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ananda, U.S. Patent 5,495,411 in view of Xu et al, U.S. Patent 6,915,425.

As per claim 1, Ananda teaches of a method for securing software to reduce unauthorized use, the method comprising providing at least one authorized representative entity installed on or in the user device; obtaining registration information corresponding to at least one user device; generating an authentication code at least partially based on the registration information; associating the authentication code with the software; determining whether a current user device is authorized at least partially

based on the authentication code associated with the software and registration information associated with the current user device; and allowing access to the software to be launched and operable if the current user device is authorized (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; and col. 11, lines 9-13). The teachings of Ananda disclose of a continuous connection to the remote authorized representative entity and fail to teach that the continuous connection to a remote authorized entity is not required and that the authorized representative entity is installed in or on the user device. It is taught by Xu et al of permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24). Keys are retrieved by the end user's system and a license (authorized representative entity) is retrieved from a license server which is installed on the end user's system, the license is required for playback of the content file (col. 3, lines 11-19 and col. 5, lines 24-38). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply localized validation of licensed software. The teachings of Xu et al disclose of motivation for applying localized validation by reciting of the need to protect digital information and management of digital rights in an offline environment (col. 2, lines 15-19). It is obvious that the teachings of Ananda would have benefited from validation of licensed software by using the authorized representative installed in or on the user's device whereby the authorized representative would then be able to valid the use of licensed software offline on an enduser's system as taught by Xu et al.

As per claims 2 and 42, Ananda discloses wherein the software is self activating and self authenticating in conjunction with the authorized (col. 10, lines 4-15). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claims 3 and 65, it is taught by Ananda wherein the software comprises data representing content selected from the group consisting of music, video, an application program, an operating system component, a game, a movie, graphics, watermarked works, a magazine, and a book (col. 1, lines 17-19).

As per claim 4, it is disclosed by Ananda wherein the step of obtaining registration information is performed by the at least one authorized representative entity (col. 3, lines 21-29). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 5, Ananda teaches wherein the step of generating an authentication code is performed by the at least one authorized representative entity (col. 11, lines 9-13). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 6, Ananda discloses wherein the step of obtaining registration information is performed by a remotely located authorized representative entity (col. 1, lines 17-19 and col. 11, lines 61-65).

As per claim 7, it is taught by Ananda wherein the step of generating an authentication code is performed by a remotely located authorized representative entity (col. 11, lines 9-13).

As per claim 8, it is disclosed by Xu et al wherein the steps of obtaining, generating, associating, determining, and controlling are performed by a resident authorized representative entity installed on at least one user device (col. 3, lines 11-19 and col. 5, lines 24-38), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al

As per claim 9, Ananda teaches wherein registration information associated with the current user device remains within a trusted network associated with the user device (col. 3, lines 16-29).

As per claim 10, Ananda discloses wherein registration information associated with the current user device (col. 3, lines 16-29). The teachings of Ananda fail to disclose that the registration information is not communicated to any device other than the user device. The examiner hereby takes official notice that to not send confidential information to unauthorized parties is notoriously well known. I would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to protect sensitive information from being sent to unauthorized parties. It is

obvious that sensitive information is not sent to unauthorized parties so that it is not used for identify theft or other malicious means.

As per claim 11, it is taught by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed prior to transferring the software to the current user device (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; and col. 11, lines 9-13).

As per claim 12, it is disclosed by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed concurrent with transferring the software to the current user device (col. 3, lines 16-49 and col. 4, lines 39-48).

As per claim 13, Ananda teaches wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are performed following transferring the software to the current user device (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; and col. 11, lines 9-13).

As per claim 14, Ananda discloses wherein the steps of obtaining, generating, and associating are performed by a remote authorized representative entity (col. 10, lines 8-15).

As per claims 15-19,44-47, and 99, the teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al. The teachings of Xu et al disclose of the authorized

representative entity being software, but fail to disclose of the authorized representative entity comprises a hardware device such as a computer chip, hardware device integral with a CPU, a PC card, or a microprocessor. The examiner hereby takes official notice that to implement a hardware device being dedicated to a specific function is well known. It is obvious to one of ordinary skill in the art that hardware device can be developed which are designed solely for a particular purposed and are dedicated towards executing a certain task and these devices can take the form of computer chip, hardware device integral with a CPU, a PC card, or a microprocessor.

As per claim 20, it is disclosed by Ananda wherein the steps of determining whether a current user device is authorized and controlling access to the software are performed by the authorized representative entity (col. 10, lines 4-15 and col. 11, lines 61-65). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 21, Xu et al teaches wherein the authorized representative entity comprises software (col. 2, lines 23-24). please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 22, Xu et al discloses wherein the software is electronically distributed software (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 23, it is taught by Xu et al wherein the software is transferred directly to a user device from a local computer readable storage medium software (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 24, it is disclosed by Xu et al of further comprising electronically distributing the software to a user software (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 25, Xu et al teaches wherein at least one key (authentication code) is distributed with the software (col. 3, lines 11-19), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 29, Ananda teaches wherein the authentication code corresponds to a user device (col. 3, lines 11-15), however the teachings fail to disclose that the software corresponds to a unique user device. The examiner hereby takes official notice that unique information is used to associate a device with software information. It would have obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of uniquely identifying information that is used to associate software with a particular device. It is obvious to use information such as a serial number registered to software so that the software is not used on another unauthorized machine.

As per claim 31, it is taught by Ananda of preventing transfer of at least a portion of the software to the current user device if the current user device is not authorized (col. 3, lines 16-49).

As per claim 32, it is disclosed by Ananda wherein the step of controlling access to the software comprises preventing the current user device from utilizing the software (col. 10, lines 13-15).

As per claims 35 and 53, it is taught by Ananda of further comprising encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 36, it is disclosed by Ananda of further comprising encrypting the registration information (col. 9, lines 25-34).

As per claim 37, Ananda teaches of further comprising associating an identifier with the software so that authentication is triggered only on user devices having a local and/or remote authorized representative entity, wherein the user devices not recognizing the identifier are allowed unrestricted access to the software (col. 10, line 63 through col. 11, line 15).

As per claim 38, Ananda discloses of further comprising securing any means for generating the authentication code after generating the authentication code associated with the software (col. 10, line 63 through col. 11, line 15).

As per claim 39, it is taught by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are at least partially performed by an authorized representative entity installed on or in a user device, the method further comprising modifying the authorized representative entity to disable subsequent generation of authentication codes associated with the software (col. 10, lines 8-15).

As per claim 40, it is disclosed by Ananda wherein the steps of obtaining registration information, generating an authentication code, and associating the authentication code are at least partially performed by a remote authorized representative prior to distribution of the software (col. 3, lines 16-49).

As per claim 41, Ananda teaches of a method for securing software to reduce unauthorized use having an authorized representative entity installed on or in a user device, the method comprising determining whether the user device is authorized to access the software using the authorized representative entity; and controlling access to the software based on whether the user device is determined to be authorized based on the installed software requiring the authorization process to occur (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; and col. 11, lines 9-13). The teachings of Ananda disclose of a continuous connection to the remote authorized representative entity and fail to teach that the continuous connection to a remote authorized entity is not required and that the authorized representative entity is installed in or on the user device. It is taught by Xu et al of permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24). Keys are retrieved by the end user's system and a license (authorized representative entity) is retrieved from a license server which is installed on the end user's system, the license is required for playback of the content file (col. 3, lines 11-19 and col. 5, lines 24-38). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply localized validation of licensed software. The teachings of Xu et al disclose of motivation for applying localized validation by reciting of

the need to protect digital information and management of digital rights in an offline environment (col. 2, lines 15-19). It is obvious that the teachings of Ananda would have benefited from validation of licensed software by using the authorized representative installed in or on the user's device whereby the authorized representative would then be able to valid the use of licensed software offline on an enduser's system as taught by Xu et al.

As per claim 43, it is taught by Ananda of further comprising determining whether the user device is authorized to access the software using a remotely located authorized representative entity in combination with the authorized representative entity installed on or in the user device (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 48, it is disclosed by Xu et al wherein the program instructions comprise an operating system component (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 49, Xu et al teaches wherein the program instructions comprise an application program (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 51, it is taught by Ananda wherein the step of determining whether the user device is authorized comprises comparing registration information associated with the user device to registration information associated with the software (col. 3, lines 16-49).

As per claim 52, it is disclosed by Ananda wherein the registration information associated with the software is embedded within an authentication code (col. 3, lines 24-28).

As per claim 54, Ananda discloses wherein the registration information includes device information (col. 9, lines 5-6) , however the teachings fail to disclose of using hardware information. The examiner hereby takes official notice that unique information is used to associate a device with software information. It would have obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of uniquely identifying information that is used to associate software with a particular device. It is obvious to use information such as a serial number registered to software so that the software is not used on another unauthorized machine.

As per claim 55, it is taught by Ananda wherein the registration information includes device information (col. 3, lines 11-15), however the teachings fail to disclose of including hardware information associated with a unique user device. The examiner hereby takes official notice that unique information is used to associate a device with software information. It would have obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of uniquely identifying information that is used to associate software with a particular device. It is obvious to use information such as a serial number registered to software so that the software is not used on another unauthorized machine.

As per claim 56, it is disclosed by Ananda wherein the hardware information includes device information (col. 8, lines 18-23), however the teachings fail to disclose

of including hardware information associated with a serial number. The examiner hereby takes official notice that unique information is used to associate a device with software information. It would have obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of uniquely identifying information that is used to associate software with a particular device. It is obvious to use information such as a serial number registered to software so that the software is not used on another unauthorized machine.

As per claim 58, Xu et al discloses wherein the authorized representative entity is installed by a manufacturer of the user device (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 59, it is taught by Xu et al wherein the authorized representative entity is installed from a local computer readable storage medium directly connected to the user device (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 60, it is disclosed by Xu et al wherein the authorized representative entity is downloaded to the user device (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 61, Xu et al teaches wherein the authorized representative entity is transferred to the user device from a network (col. 2, lines 23-24). please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 63, it is taught by Ananda wherein the step of controlling access comprises preventing the software from being executed by the user device (col. 10, lines 8-15).

As per claim 64, it is disclosed by Ananda wherein the step of controlling access comprises providing limited access to the software (col. 10, lines 8-15).

As per claim 66, Ananda discloses wherein the software comprises instructions for generating at least one authentication code at least partially based on registration information associated with the user device (col. 11, lines 9-13).

As per claim 67, it is taught by Ananda wherein the software comprises instructions for encrypting the authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 68, it is disclosed by Ananda wherein the step of determining whether the user device is authorized comprises contacting a remote authorized representative entity if the device is unable to determine whether the user device is authorized (col. 10, lines 8-15). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 69, Ananda teaches wherein the step of determining whether the user device is authorized comprises contacting a remote authorized representative if the user device determines that the user device is not authorized (col. 10, lines 8-15). The

teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 70, Ananda discloses wherein the step of determining whether the user device is authorized comprises obtaining registration information associated with the user device; and comparing the registration information associated with the user device with registration information encoded in an authentication code associated with the software (col. 3, lines 22-29 and col. 10, lines 8-15).

As per claim 71, it is taught by Ananda of further comprising detecting an identifier associated with the software to trigger authentication functions performed by the authorized representative entity; and performing the steps of determining whether the user device is authorized and controlling access to the software only if the identifier is detected (col. 10, lines 8-15). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 72, it is disclosed by Ananda of further comprising automatically contacting a remote authorized representative based upon a triggering event to receive information (col. 4, line 61 through col. 5, line 10).

As per claim 73, Ananda teaches wherein the information is selected from a group consisting of updates, upgrades, patches, marketing information, promotional information, quality assurance information, network monitoring and metering information, and error and usage information (col. 20, lines 53-62).

As per claim 74, Ananda discloses wherein the information updates the authorized representative entity (col. 20, lines 53-62). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 75, it is taught by Ananda wherein the information modifies the software (col. 10, lines 8-15 and col. 20, lines 53-62).

As per claim 76, it is disclosed by Ananda wherein the triggering event is based on a user action (col. 3, lines 21-28).

As per claim 77, Ananda teaches wherein the automatic contact with the remote authorized representative is repeated (col. 10, lines 8-15).

As per claim 78, Ananda discloses of a method for reducing unauthorized use of software, the method comprising associating at least one identifier with the software corresponding to a request for digital rights management; distributing the software to a user; detecting the at least one identifier using an authorized representative entity; associating at least one authentication code with the software; determining whether a user device is authorized to access the software; and controlling access to the software

based on whether the user device is authorized wherein the installed software requires the authorization process to occur (col. 3, lines 11-15 & 21-28; col. 4, lines 18-28; and col. 11, lines 9-13). The teachings of Ananda disclose of a continuous connection to the remote authorized representative entity and fail to teach that the continuous connection to a remote authorized entity is not required and that the authorized representative entity is installed in or on the user device. It is taught by Xu et al of permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24). Keys are retrieved by the end user's system and a license (authorized representative entity) is retrieved from a license server which is installed on the end user's system, the license is required for playback of the content file (col. 3, lines 11-19 and col. 5, lines 24-38). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply localized validation of licensed software. The teachings of Xu et al disclose of motivation for applying localized validation by reciting of the need to protect digital information and management of digital rights in an offline environment (col. 2, lines 15-19). It is obvious that the teachings of Ananda would have benefited from validation of licensed software by using the authorized representative installed in or on the user's device whereby the authorized representative would then be able to valid the use of licensed software offline on an enduser's system as taught by Xu et al.

As per claim 79, it is taught by Ananda wherein the software is self-activating and self-authenticating in conjunction with an authorized representative located on or in the user device (col. 10, lines 4-15).

As per claim 80, it is disclosed by Ananda of further comprising encrypting the at least one authentication code (col. 9, lines 25-34 and col. 10, line 63 through col. 11, line 8).

As per claim 81, Ananda teaches of further comprising obtaining registration information associated with at least one user device; and generating the at least one authentication code at least partially based on the registration information (col. 3, lines 21-28).

As per claim 82, Ananda discloses of further comprising encrypting the registration information (col. 11, line 61 through col. 12, line 14).

As per claim 83, it is taught by Ananda wherein the steps of obtaining registration information, generating the at least one authentication code, and associating the at least one authentication code are performed before the step of distributing the software (col. 3, lines 11-31).

As per claim 84, it is disclosed by Ananda wherein the steps of obtaining registration information, generating the at least one authentication code, and associating the at least one authentication code are performed concurrent with the step of distributing the software (col. 3, lines 11-31).

As per claim 85, Ananda teaches wherein the steps of obtaining registration information, generating the at least one authentication code, and associating the at least one authentication code are performed subsequent to the step of distributing the software (col. 3, lines 11-31).

As per claim 86, Ananda discloses wherein the steps of obtaining registration information, generating the at least one authentication code, and associating the at least one authentication code are performed by an authorized representative entity (col. 3, lines 11-31; col. 10, lines 4-15; and col. 11, lines 61-65). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 87, it is taught by Ananda wherein the step of generating the at least one authentication code is performed by an authorized representative entity, the method further comprising securing the authentication code to resist user tampering (col. 11, lines 9-13). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 88, it is disclosed by Ananda wherein the step of securing comprises preventing the authorized representative entity from generating any more authentication codes for the software (col. 10, lines 4-15 and col. 11, lines 61-65). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 89, Ananda teaches wherein the step of securing comprises encrypting the authentication code (col. 10, lines 4-15 and col. 11, lines 61-65).

As per claim 90, Ananda discloses of further comprising determining whether an operational authorized representative entity is available locally (col. 10, lines 4-15 and col. 11, lines 61-65). The teachings of Xu et al are relied upon for disclosing of installing an authorized representative entity on or in the user device if an operational authorized representative entity is not available locally the teachings and disclosing of permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 91, it is taught by Xu et al wherein the step of installing comprises transferring the authorized representative entity to the user device from a remote authorized representative entity (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 92, it is disclosed by Xu et al wherein the step of installing comprises transferring the authorized representative entity to the user device directly from a local computer readable storage medium (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 93, Xu et al teaches wherein the software includes an authorized representative entity and wherein the step of installing comprises transferring the authorized representative entity to the user device from the software (col. 2, lines 23-

24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 94, Ananda discloses of contacting a remote authorized representative entity if no operational authorized representative entity is installed on or in the user device (col. 3, lines 22-29 and col. 10, lines 8-15). The teachings of Xu et al are relied upon for disclosing of the permitting offline (non-continuous connection) playback of digital content files which includes managing the related content rights (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al.

As per claim 95, it is taught by Ananda wherein the remote authorized representative entity performs the steps of determining whether a user device is authorized and controlling access to the software (col. 10, lines 8-15).

As per claim 96, it is disclosed by Ananda of further comprising obtaining registration information including hardware specific information associated with a user device, wherein the steps of obtaining registration information and associating at least one authentication code are performed prior to the step of distributing the software to a user (col. 3, lines 22-29 and col. 10, lines 8-15).

As per claim 97, Ananda teaches of further comprising obtaining registration information including hardware specific information associated with a user device, wherein the steps of obtaining registration information and associating at least one authentication code are performed concurrent with the step of distributing the software to a user (col. 3, lines 22-29 and col. 10, lines 8-15).

As per claim 98, Ananda discloses of further comprising obtaining registration information including hardware specific information associated with a user device, wherein the steps of obtaining registration information and associating at least one authentication code are performed following the step of distributing the software to a user (col. 3, lines 22-29 and col. 10, lines 8-15).

As per claim 100, it is disclosed by Ananda wherein the step of controlling access to the software comprises preventing the software from being transferred to the user device if the user device is not authorized (col. 10, lines 8-15).

5. Claims 26,33,34,50,57, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ananda, U.S. Patent 5,495,411 in view of Xu et al, U.S. Patent 6,915,425 in further view of Barber et al, U.S. Patent 5,390,297.

As per claims 26 and 57, Xu et al discloses wherein the one key (authentication code) is distributed with the software and corresponds to a user device (col. 3, lines 11-19), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al. The combined teachings fail to disclose of multiple devices. It is taught by Barber et al that licensed software can be used on multiple workstations (secondary devices)(col. 2, lines 21-36 & 49-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to allow multiple copies of licensed software to be used on different computers. The teachings of Barber et al disclose of motivation for doing so by reciting of the need to manage licenses that are to be run on multiple nodes (secondary devices) and to limit

the number of copies of a program the are executing simultaneously on the nodes of a network which in turn protects the vendors protected software from being illicitly used (col. 2, lines 6-9 and col. 3, lines 30-42). It is obvious that the combined teachings of Ananda and Xu et al would have allowed the incorporation of Barber et al and the feature of limiting the simultaneous copies to authorized computers.

As per claim 27, it is taught by Ananda wherein the authentication code corresponds to a user device (col. 9, lines 5-6), however the teachings fail to disclose that the manufacturer code corresponds to the user device. The examiner hereby takes official notice that unique information is used to associate a device with software information. It would have obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of uniquely identifying information that is used to associate software with a particular device. It is obvious to use information such as a serial number registered to software so that the software is not used on another unauthorized machine.

As per claim 28, it is disclosed by Ananda wherein the authentication code corresponds to a user device (col. 9, lines 5-6), however the teachings fail to disclose that the model number corresponds to the user device. The examiner hereby takes official notice that unique information is used to associate a device with software information. It would have obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of uniquely identifying information that is used to associate software with a particular device. It is obvious to use

information such as a serial number registered to software so that the software is not used on another unauthorized machine.

As per claim 33, Ananda fails to disclose of using a secondary user device. The combined teachings fail to disclose of a secondary device. It is taught by Barber et al that licensed software can be used on multiple workstations (secondary devices)(col. 2, lines 21-36 & 49-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to allow multiple copies of licensed software to be used on different computers. The teachings of Barber et al disclose of motivation for doing so by reciting of the need to manage licenses that are to be run on multiple nodes (secondary devices) and to limit the number of copies of a program the are executing simultaneously on the nodes of a network which in turn protects the vendors protected software from being illicitly used (col. 2, lines 6-9 and col. 3, lines 30-42). It is obvious that the combined teachings of Ananda and Xu et al would have allowed the incorporation of Barber et al and the feature of limiting the simultaneous copies to authorized computers.

As per claim 34, Ananda discloses wherein the steps of obtaining, generating, and associating are at least partially performed by a primary user device (col. 10, lines 4-15) and the steps of determining and controlling are performed by the license software are relied upon by the teachings of Xu et al (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al. The combined teachings fail to disclose of a secondary device. It is taught by Barber et al that licensed software can be used on multiple workstations (secondary

devices)(col. 2, lines 21-36 & 49-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to allow multiple copies of licensed software to be used on different computers. The teachings of Barber et al disclose of motivation for doing so by reciting of the need to manage licenses that are to be run on multiple nodes (secondary devices) and to limit the number of copies of a program the are executing simultaneously on the nodes of a network which in turn protects the vendors protected software from being illicitly used (col. 2, lines 6-9 and col. 3, lines 30-42). It is obvious that the combined teachings of Ananda and Xu et al would have allowed the incorporation of Barber et al and the feature of limiting the simultaneous copies to authorized computers.

As per claim 50, Xu et al discloses wherein the program instructions comprise a driver for a device (col. 2, lines 23-24), please refer above for the motivation of applying the aspect of offline validation as is disclosed by Xu et al. It is inherent that a driver is used since drivers are programs that regulate and control particular components. The combined teachings fail to disclose of secondary devices. The combined teachings fail to disclose of a secondary device. It is taught by Barber et al that licensed software can be used on multiple workstations (secondary devices)(col. 2, lines 21-36 & 49-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to allow multiple copies of licensed software to be used on different computers. The teachings of Barber et al disclose of motivation for doing so by reciting of the need to manage licenses that are to be run on multiple nodes (secondary devices) and to limit the number of copies of a program the are executing

simultaneously on the nodes of a network which in turn protects the vendors protected software from being illicitly used (col. 2, lines 6-9 and col. 3, lines 30-42). It is obvious that the combined teachings of Ananda and Xu et al would have allowed the incorporation of Barber et al and the feature of limiting the simultaneous copies to authorized computers.

As per claim 62, the combined teachings of Ananda and Xu et al fail to disclose of controlling access comprises. It is taught by Barber et al that licensed software can be used on multiple workstations (secondary devices) and preventing the software from being transferred to a second user device if that device is unauthorized (col. 2, lines 21-36 & 49-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to allow multiple copies of licensed software to be used on different computers. The teachings of Barber et al disclose of motivation for doing so by reciting of the need to manage licenses that are to be run on multiple nodes (secondary devices) and to limit the number of copies of a program the are executing simultaneously on the nodes of a network which in turn protects the vendors protected software from being illicitly used (col. 2, lines 6-9 and col. 3, lines 30-42). It is obvious that the combined teachings of Ananda and Xu et al would have allowed the incorporation of Barber et al and the feature of limiting the simultaneous copies to authorized computers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR

December 20, 2007

CHRISTOPHER REVAK
PRIMARY EXAMINER

